Remarks/Arguments

A. Pending Claims

Claims 66, 67, 69-83, 101, 134, 146, and 159-161 have been rejected. Claims 66, 76, 80, 81, 82, 83, and 134 have been amended. Claims 162 and 163 are new. Claims 66, 67, 69-75, 76, 77-79, 80, 81-83, 134, and 159-163 are pending in the case.

B. 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 66, 76, 80, and 134 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner appears to base these rejections on the alternative language "weighted or combined". Applicant respectfully disagrees with the Examiner's rejections. Nevertheless, Applicant submits that the Examiner's rejections of these claims are moot in view of the amendments to Applicant's claims because the claims no longer include the phrase "weighted or combined". Applicant respectfully requests removal of the rejections under 35 U.S.C. §112, second paragraph.

C. The Claims Are Not Obvious Over Torres And Further In View of Pendelton Pursuant To 35 U.S.C. § 103(a)

The Examiner rejected claims 66, 67, 69-83, and 101 under 35 U.S.C. 103(a) as obvious over U.S. Patent No. Application No. 2005/0043961 to Torres et al. (herein after "Torres") and further in view of U.S. Patent No. 6,253,186 to Pendelton Jr. (herein after "Pendelton"). Applicant respectfully disagrees with these rejections.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim

9

limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP § 2143.03.

Claim 66 has been amended to describe a combination of features, including but not limited to:

> determining a weighted combined fraud potential indicator that combines at least the first fraud potential indicator assessed using the first fraud technique and the second fraud potential indicator assessed using the second fraud technique, wherein, in combining the first fraud potential indicator and the second fraud potential indicator, the first fraud potential indicator is weighted differently from the second fraud potential indicator

The cited art does not appear to teach or suggest at least these features of claim 66, in combination with the other features of the claim.

The Office Action acknowledges that Torres does not disclose "two potential fraud indicators." Nonetheless, the Office Action takes the position that it would have been obvious to one having ordinary skill in the art at the time the invention was made to use two fraud potential indicators, "since it has been held that *mere duplication* of the essential working parts of a device involves only routine skill in the art." (emphasis added). The Office Action relies on *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8, 11 (7th Cir. 1977). In *St. Regis Paper*, the court held that redundancy of layers to confer strength was obvious in the paper bag art. *St. Regis Paper*, 193 USPQ at 11. Claim 66 of the present application, however, does not involve mere redundancy. Claim 66 includes assessing a first fraud potential indicator using a first fraud potential detection technique and assessing a second fraud potential indicator using a second fraud potential detection technique that is different from the first fraud potential detection technique, weighting the fraud potential indicator assessed using the first technique different than the fraud potential indicator assessed using the second technique, and combining the weighted fraud potential indicators to determine a weighted combined fraud potential indicator.

10

The present application is similar to *Ex Parte Mattison*, 1995 WL 1696767 (Bd. Patent App. & Intf. 1995). In *Mattison*, the Board reversed an Examiner's rejection for an obviousness rejection that relied on *St. Regis Paper*. The court stated: "In the present case, the comparators are not redundant since each has *distinct inputs*." *Mattison* at *6 (emphasis added). Similarly, the potential fraud indicators recited in claim 66 are not redundant because they are assessed using different fraud detection techniques. Rather than relying on a single fraud potential indicator to determine the probability that a request may be fraudulent, Applicant's claims are directed to basing the determination of potential fraud on multiple (i.e., at least two) fraud potential indicators that are derived using different techniques. Moreover, claim 66 offers the innovative function of basing the fraud potential on a "weighted combined fraud potential indicator" determined by weighting and combining the fraud potential indicators assessed using the different techniques, thus freeing a user from having to perform an assessment of each of the fraud potential indicators that have been determined. These innovative and unique features are not taught or suggested by the cited art.

> Amended claim 66 further describes:
>
> referring the request for review if the weighted combined fraud potential indicator exceeds a threshold value, wherein the threshold value is adjusted to control the number of requests with the weighted combined fraud potential indicator exceeding the threshold value.

The Examiner acknowledges that Torres "does not explicitly disclose referring a request for review if the combined or weighted fraud potential indicator exceeds a threshold value wherein the threshold value is adjusted to control the number of requests with combined or weighted fraud potential indicator exceeding the threshold value". The Examiner relies on Pendleton, column 7, lines 35-39, to remedy the deficiencies in Torres. The cited portion of Pendleton states:

For purposes of the following discussion, the term "line" is used to represent a request for money to be paid in return for a product or service.
(Pendleton, column 5, lines 38-42)

In one embodiment of the invention, the process of accumulating the data involves simply adding the fraud indicators produced for each claim line to produce a total for a particular supplier or provider. Composite fraud data is stored in memory 66 for subsequent use in the computational process of branch B.
(Pendleton, column 7, lines 9-14)

After the composite fraud indicator is computed, it is compared to a threshold number which is based upon prior experience (block 70). The threshold number may be arbitrarily fixed or, alternatively, may be dynamic in the sense of being periodically or continuously updated by the system as additional data is processed.
(Pendleton, column 7, lines 35-39)

Pendelton discloses the fraud potential of claims based on patterns and other features determined by comparing attributes of multiple "claim lines" that are submitted from the same provider or supplier. One "line" corresponds to one payment request. Multiple "claim lines" for a particular provider or supplier can be added to produce a composite of all the claim lines for the supplier. A composite threshold number may be compared to a threshold number. Claim 66, in contrast to Pendelton, is directed to an analysis of a single "request" using multiple fraud detection techniques. Moreover, claim 66 is directed to referring the request for review if the weighted combined fraud potential indicator exceeds a threshold value, wherein the threshold value is adjusted to control the number of requests with the weighted combined fraud potential indicator exceeding the threshold value. Pendleton, alone or in combination with the other cited at, does not appear to teach or suggest at least this feature of claim 66.

For at least the reasons stated above, Applicant submits that claim 66 is allowable over the cited art. Applicant respectfully requests removal of the rejections of claim 66 and the claims dependent thereon.

12

Amended claim 76 recites:

determine a weighted combined fraud potential indicator that combines at least the first fraud potential indicator assessed using the first fraud technique and the second fraud potential indicator assessed using the second fraud technique, wherein, in combining the first fraud potential indicator and the second fraud potential indicator, the first fraud potential indicator is weighted differently from the second fraud potential indicator; and

refer the request for review if the weighted combined fraud potential indicator exceeds a threshold value, wherein the threshold value is adjusted to control the number of requests with the weighted combined fraud potential indicator exceeding the threshold value.

For reasons similar to those set forth above with respect to claim 66, Applicant submits that the cited art does not teach or suggest at least this feature of claim 76, in combination with the other features of the claim.

Amended claim 80 recites:

determining a weighted combined fraud potential indicator that combines at least the first fraud potential indicator assessed using the first fraud technique and the second fraud potential indicator assessed using the second fraud technique, wherein, in combining the first fraud potential indicator and the second fraud potential indicator, the first fraud potential indicator is weighted differently from the second fraud potential indicator; and

referring the request for review if the weighted combined fraud potential indicator exceeds a threshold value, wherein the threshold value is adjusted to control the number of requests with the weighted combined fraud potential indicator exceeding the threshold value.

For reasons similar to those set forth above with respect to claim 66, Applicant submits that the cited art does not teach or suggest at least this feature of claim 80, in combination with the other features of the claim.

Claim 134 recites, in part:

13

determining a weighted combined fraud potential indicator that combines at least the first fraud potential indicator assessed using the first type of fraud detection and the second fraud potential indicator assessed using the second type of fraud detection, wherein, in combining the first fraud potential indicator and the second fraud potential indicator, the first fraud potential indicator is weighted differently from the second fraud potential indicator; and

referring the request for review if the weighted combined fraud potential indicator exceeds a threshold value, wherein the threshold value is adjusted to control the number of requests with the weighted combined fraud potential indicator exceeding the threshold value.

For reasons similar to those set forth above with respect to claim 66, Applicant submits that the cited art does not teach or suggest at least this feature of claim 134, in combination with the other features of the claim.

Claim 69 recites:

wherein the request is an insurance claim, the method further comprising displaying a plurality of insurance claims, wherein the insurance claims are organized into lists according to referred claims, assigned claims, and rejected claims, and wherein selecting a graphical component respective to referred claims brings up a list of referred claims, wherein selecting a graphical component respective to assigned claims brings up a list of assigned claims, and wherein selecting a graphical component respective to rejected claims brings up a list of rejected claims

Applicant submits that the cited art does not teach or suggest this feature of claim 69. With respect to the above quoted feature, the Examiner relies on Figure 9 of Torres. Figure 9 of Torres depicts a screen shot of a link analysis tool. The portion of the description corresponding to Figure 9 states:

FIG. 9 shows a screen shot 900 of a link analysis tool used in the investigative step of the present invention. Based on a similar or partial match between an individual associated with a transaction dataset and a database of known threats found in earlier

14

identification and detection stages, an investigator may perform additional background searches by simply clicking the relevant databases to further refine a potential threat. If further investigation is warranted, the link analysis tool 900 may access the results from the classification or detection process. The link analysis tool 900 may illustrate an identification section 910 for identifying an individual and an additional list of possible associations related to the individual. A second graphic section 920 provides a graphical depiction of the individual with links to other related information. This link-chart methodology is one of several investigatory methods for uncovering suspicious associations that an investigator might use. (Torres, Paragraph 0049)

Torres discloses a link analysis tool that may be used to illustrate an identification section for identifying an individual and a list of possible associations related to the individual. Torres does not teach or suggest displaying insurance claims, wherein the insurance claims are organized into lists according to referred claims, assigned claims, and rejected claims, and wherein selecting a graphical component respective to referred claims brings up a list of referred claims, wherein selecting a graphical component respective to assigned claims brings up a list of assigned claims, and wherein selecting a graphical component respective to rejected claims brings up a list of rejected claims.

D.   New Claims

New claim 162 recites: "wherein the first type of fraud potential detection comprises a first predictive model and the second type of fraud potential detection comprises a second predictive model." The cited art does not appear to teach or suggest at least the above-quoted feature of this claim.
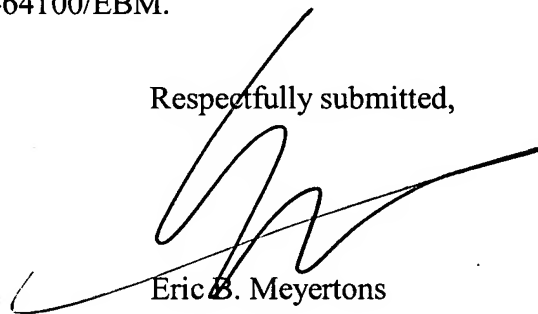
New claim 163 recites: "wherein the first type of fraud potential detection comprises a predictive model and the second type of fraud potential detection comprises a business rules engine." The cited art does not appear to teach or suggest at least the above-quoted feature of this claim.

15

E.   Additional Remarks

Applicant submits that all claims are in condition for allowance. Favorable consideration is respectfully requested.

It is believed that no fees are required in connection with the filing of this document. If an extension of time is needed, Applicant requests the appropriate extension of time. If any fees are required, please charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5053-64100/EBM.

Respectfully submitted,

Eric B. Meyertons

Reg. No. 34,876
Attorney for Applicant

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TEXAS 78767-0398
(512) 853-8800 (voice)
(512) 853-8801 (facsimile)

Date: May 9, 2007